UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) *23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This is in response to the Applicant's response filed on February 4, 2008. Claim

23 has been cancelled by the Applicant. Claims 1 – 22 and 24, where Claims 1, 18,

and 24 are in independent form, are presented for examination.

Claim Objections

With regards to the amendments made to Claims 2, 17, and 20 to clarify the

claim language to further limit the dependent claims, examiner has withdrawn the

objection to Claims 2, 17, and 20.

Response to Arguments

Applicant's arguments filed on February 4, 2008 have been fully considered but

they are not persuasive. Applicant argued:

a)   Kehr does not disclose an automated determination of context related

data from the network.

b)   One skilled in the art would not combine the teachings of Kanevsky's

emergency backup system to backup data *in case a decreased*

attainability status of said mobile telephone is detected to the invention

described by Kehr.

Examiner respectfully disagrees with applicant's assertions.

1.   With regards to a), Kehr specifically discloses that "[t]his Web server is used to

enhance Web pages *dynamically* with context information collected by the mobile..."

(Pg. 2, Para. 3; emphasis added). It is well known that the definition of dynamic is used

to describe usually continuous and productive activity or change. Additionally, the

context information about the mobile user is served to someone that requests it "*without*

interaction" (Pg. 2, Para. 6; emphasis added). Therefore, Kehr specifically teaches that

the location information of the mobile device is dynamically (automatically) updated

within the mobile device and the Web site is automatically updated with this new

information.

Application also suggests that the templates that can be modified by the mobile

user teaches away from the automatic updating of the Web page with automatically

updated location information. The template is used to provide structure of what to

display on the Web page. These fields do not have to be manually updated by the

mobile user. It is inherent that the location information is automatically obtained by the

mobile device from the GSM network when no interaction by the mobile user is required

to update location information on the Web page. The template determines what

location information is automatically updated and displayed on the Web page and is not

manual entry fields presented to the mobile user to update location information. The

user does not have to update any information regarding the location of the mobile

device.

Applicant further suggests that Fig. 2 of Kehr describes the only implementation

of this device. Kehr clearly states that Fig. 2 illustrates the second mode of operation

that is available within this system (Pg. 2, Para. 6). The first mode of operation is

without user interaction as stated above. The first mode of operation anticipates that

the personal Web page is automatically updated with location information of the mobile

device, where the location information is automatically updated by the mobile device within the GSM network.

2.   With regards to b), foremost, Applicant suggests that that the combined teachings of Kehr and Kanevsky would not lead one skilled in the art to the claimed limitation of Claim 24. Applicant is silent as to whether this rationale also applies to similar limitations found within Claims 12 and 22.

As indicated in the Non-Final Action mailed on October 5, 2007, all the limitations of Claims 12, 22, and 24 are disclosed by Kehr. The further limitation of detecting the attainability status of the mobile telephone device and initiating the download of the mobile homepage when there is a decreased attainability status is disclosed by Kanevsky as explained below.

Applicant attempts to distinguish the words "emergency" and "reduced attainability status" regarding Kanevsky and the invention, respectively, by narrowing the term "attainability" to the definitions of signal strength, wireless connectivity, or connectivity. Applicant specifically states that the claimed limitation is "only for a situation in which it is possible that a mobile homepage may no longer be downloaded due to a reduced attainability status" (Pg. 15 of Applicants response). The claimed language strongly suggests a broader definition of "attainability" than suggested by the Applicant. Kanevsky discloses a backup system for electronic devices within a "zone of danger" (Fig. 4). Kanevsky further discloses that the network may also include connected hand held computers, such as one or more personal digital assistants, which are mobile phone devices capable of storing data (Col. 2, Lines 25-28). Within this

network, when an alert is triggered, the vulnerable devices initiate a backup process to

store pre-selected information to a remote computer that has the capacity to store this

information (Col. 2, Lines 37-55). It is inherent when a PDA located within this "zone of

danger" that the PDA's attainability by a remote server is reduced due to the

environmental conditions specified in Kanevsky. For example, if there is a fire within the

area the PDA is located, the Kanevsky backup system would download data stored in

the PDA to another device within a safer environment if the PDA may no longer be

attainable due to the fire within the area. Therefore, Kanevsky discloses the ability to

detect the attainability status of a mobile telephone device and initiating the download of

data from the mobile device when there is a decrease of attainability.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7, 8, 11, and 19 – 21 are rejected under 35 U.S.C. 102(b) as being

anticipated by the published thesis "Look Ma', My Homepage is Mobile!," written

by Roger Kehr and Andreas Zeidler (hereinafter referenced as "Kehr").

3.   Regarding Claims 1 and 2, Kehr discloses a method for automatically adapting

the contents of a mobile homepage of a mobile telephone device in accordance with

context related information of said device comprising of automatically determining

context related information of said mobile telephone device with regard to different

context related information and automatically adapting said mobile homepage in
accordance with said determined context related information (Pgs. 1 – 3; discloses a
mobile homepage system built on top of an implementation of small web server inside a
SIM of a mobile communication device, where the homepage is dynamically adapted to
the context a mobile user is currently in, without interaction from the mobile user, such
as location (country, network, area) and text configuration notifying the new and
updated (evaluating context information with different context information) status of the
user or the mobile device).

4.   Regarding Claims 3 and 4, Kehr discloses all the limitation of Claim 1 above.
Kehr further discloses that the mobile device dispatches a communication request (Pg.
2; after incoming HTTP requests are parsed, the commands encoded in the URL are
executed and the responses are sent back by SMS to the proxy where the server
returns a document that describes the requested information).

5.   Regarding Claim 5, Kehr discloses all the limitation of Claim 3 above. Kehr
further discloses that the communication request is a multimedia call (Pg. 2;
communication from the internet is achieved by a so-called proxy server and the HTTP
requests are tunneled within SMS messages sent from a mobile phone attached to the
proxy server).

6.   Regarding Claim 6, Kehr discloses all the limitation of Claim 1 above. Kehr
further discloses that said context related information comprises communication
properties (Pg. 2; returned homepage information can contain the country, the operator
network, and location information).

7.   Regarding <u>Claim 7</u>, Kehr discloses all the limitation of Claim 1 above. Kehr

further discloses that the mobile device transmits the generated mobile homepage (Pgs.

2 – 3; the homepage is generated and automatically returned to the person requesting

that information).

8.   Regarding <u>Claim 8</u>, Kehr discloses all the limitation of Claim 1 above. Kehr

further discloses that the mobile device receives an identification of the originator of a

communication attempt (Fig. 2; Pg. 2; figure shows that the originator of the

communication attempt is displayed to the user to determine whether or not the request

should be answered).

9.   Regarding <u>Claim 11</u>, Kehr discloses all the limitation of Claim 1 above. Kehr

further discloses that the mobile telephone device can download the contents of a

mobile homepage of said mobile telephone device, storing said downloaded mobile

homepage on a server, said server containing a homepage, thereby automatically

updating said homepage on said server according to said mobile homepage of said

mobile telephone device (Pg. 3; each user has the ability to upload the homepage to the

proxy server).

10.   Regarding <u>Claims 19 and 20</u>, Kehr discloses a mobile telephone device

comprising of a server that provides a server functionality to said mobile telephone

device (Fig.1; Pg. 2; proxy server that implements many of the functionality needed for

the provision of mobile users' homepages), a storage for storing at least one homepage

on said mobile telephone device (Pg. 2 – 3; homepage is implemented inside a SIM,

which has computing power and memory, inside the mobile device), characterized by a

processor configured to determine context related information <u>with regard to different</u>

<u>context related information</u> of said mobile telephone device and to adapt said

homepage according to said determined context related information (Pgs. 2 – 3;

homepages are dynamically adapted to the context a mobile user is currently in such as

location (country, network, area) and text configuration notifying the new and updated

(evaluating context information with different context information) status of the user or

the mobile device).

11.   Regarding <u>Claims 21</u>, Kehr discloses all the limitation of Claim 19 above. Kehr

further discloses that the mobile telephone device has a processor configured to

connect said mobile telephone to a server, and configured to transfer the contents of a

mobile homepage of said mobile telephone device to said server (Pg. 3; each user has

the ability to upload the homepage to the proxy server).

12.   Regarding <u>Claim 23</u>, Kehr discloses a server connectable to a mobile telephone

device comprising of storage for storing at least one homepage, characterized by a

processor configured for downloading a mobile homepage from said mobile telephone

device, and a storage being connected to said processor for storing said downloaded

homepage (Pg. 2 – 3; proxy server that can be used to download the mobile homepage

acts as a gateway to the internet and also implements many of the functionality needed

for the provision of mobile users' homepages).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Appl. 2002/0180579 A1, filed by Tatsuji Nagaoka et al. (hereinafter referenced as "Nagaoka").

13.   Regarding <u>Claims 9 and 10</u>, Kehr discloses all the limitations of Claim 6 as stated above. Kehr, however, does not specifically disclose that the communications properties comprise of information about a communication connection or communication state of the mobile telephone.

Nagaoka discloses the use of stored communication capacity information to determine how to display the requested service onto the mobile device: the maximum communication speed, display capacity, and communication standard associated with the corresponding model of the mobile telephone (Pg. 5, Para. 0085; Pg. 7, Para. 0133). It would be obvious to one skilled in the art to incorporate the teachings of Nagaoka with Kehr since the communication speed and other properties of the mobile device will determine how much homepage information can be stored within the mobile device and the speed in which this information can be delivered to a request of this information. The communication capacity information of a particular mobile device can determine how the homepage is delivered from the mobile device, which can be used to determine possible solutions for low bandwidth or memory size that may lower the quality of service in supplying the homepage.

Claims 14, 16 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kehr, in view of U.S. Patent 5,956,487, invented by Chandrasekar

Venkatraman (hereinafter referenced as "Venkatraman").

14.   Regarding Claim 14, Kehr discloses all the limitations of Claim 1 as stated above.

Kehr, however, does not specifically disclose that the homepage is an HTML or XHTML

homepage.

Venkatraman discloses the use of HTML to create a webpage (Col. 3, Lines 29-

30). It would have been obvious to one skilled in the art at the time the application was

filed to create the homepage was an HTML file. HTML allows the homepage to contain

text, images, multimedia files, forms, and tables that are supported by HTML protocols

(Col. 3, Lines 39-41). The various object types that are supported by HTML allow the

user to customize the homepage with more than simple text.

15.   Regarding Claims 16 – 18, Kehr discloses all the limitations of Claim 1 as stated

above. Kehr, however, does not specifically disclose of a software tool, computer

program code, or a computer program product stored in a computer readable medium

comprising of program code means for carrying out the steps of automatically adapting

the contents of a mobile homepage when the program is run on a computer, a network

device, or a mobile telephone device.

Venkatraman discloses that the web server functionality of a device includes

software executed by a processor to serve the HTTP protocols commands and

generate the HTML formatted files (Col. 4, Lines 51-53). Venkatraman also discloses

that the device includes a web server that provides web server functions (Fig. 1a; Col.

3, Lines 5-16) and that the communication mechanisms can include local area

networks, cellular telephone links, serial communication links, or a direct connection to

the internet (Col. 3, Lines 64 – Col. 4, Lines 4). Furthermore, Venkatraman discloses

that the device comprises of a processor, memory, device-specific hardware, and

input/output circuitry and the firmware or software is stored in the available memory

(Fig. 1b; Col. 4, Lines 5-8 and 37-41). It would have been obvious to one skilled in the

art at the time the application was filed that to create and modify a homepage requires

that software or computer code is used to process the web server functionality

necessary. Furthermore, it is also obvious to one skilled in the art that the software

program is stored on a computer readable medium within the device. Software or

computer code is necessary for a processor to determine how to process certain inputs

and produce certain outputs within a communication system. Storing the software in a

computer readable medium allows the processor to perform other its functions

continuously without user input.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kehr, in view of U.S. Patent 6,430,624 B1, invented by Mark Jamtgaard et al.

(hereinafter referenced as "Jamtgaard").

16.   Regarding <u>Claim 15</u>, Kehr discloses all the limitations of Claim 1 as stated above.

Kehr, however, does not specifically disclose that the homepage is a WML homepage.

Jamtgaard discloses the use of WML protocol to provide internet content on a

mobile phone (Fig. 1; Col. 1, Lines 46-55). It would have been obvious to one skilled in

the art at the time the application was filed that WML could also be used to display the

homepage. A device that is able to support a multitude of different markup languages,

protocols, and browsers will effectively establish a wireless presence within a given

market.

Claim 12, 22, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kehr, in view of U.S. Patent 6,496,949 B1, invented by Dimitri

Kanevsky et al. (hereinafter referenced as "Kanevsky").

17.   Regarding <u>Claims 12, 22, and 24</u>, Kehr discloses all the limitations of Claims 11,

21, and 23 as stated above. Kehr, however, does not specifically disclose that

downloading is initiated when it is detected that the attainability of the mobile device is

expected to be reduced.

Kanevsky discloses an emergency backup system for backing up data on one or

more computer located in an identified danger zone where a remote sensor sends a

signal to the "endangered" computers to download data when it detects the occurrence

of an emergency condition (Abstract; Col. 2, Lines 27-49). Kanevsky further discloses

that this system can be implemented within a wireless network and a PDA (Abstract). It

would be obvious to one skilled in the art to incorporate the teaching of Kanevsky with

Kehr due to the instability or the availability of network devices. When a wireless device

is used to directly response to requests for information, downloading that information to

another storage device, whenever there are issues regarding the availability of the

wireless device, allows the requested information to be available if the wireless device is

not. Backing up the data also allows retrieval of that information by the wireless device

if any information is lost.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kehr, in view of U.S. Appl. 2002/0188887 A1, invented by Kenneth Largman et al.

(hereinafter referenced as "Largman").

18.   Regarding Claim 13, Kehr discloses all the limitations of Claim 1 as stated above.

Kehr, however, does not specifically disclose that when the mobile device is not

connectable, the communication request is rerouted to another device to retrieve that

request.

Largman discloses an emergency startup system that switches to a separate

data storing device within the system when the primary device is not available (Pg. 6,

Para. 0128). It would be obvious to one skilled in the art to incorporate the teaching of

Largman with Kehr due to the instability of wireless signals. When a wireless device is

used to directly response to requests for information, alternative destinations to retrieve

the required information if the wireless device is unavailable will provide consistent

service to those requesting it.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-

1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton B. Burgess, can be reached on (571) 272-3949. The fax phone

number for submitting all Official communications is (703) 872-9306. The fax phone

number for submitting informal communications such as drafts, proposed amendments,

etc., may be faxed directly to the examiner at (571) 270-2979.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at (866) 217-9197 (toll-free).

/Glenton B. Burgess/

Supervisory Patent Examiner, Art Unit 2153

/Tae K. Kim/